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6 IN THE UNITED STATES DISTRICT COURT  
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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10 CHERISH M. SMITH, as an individual, and  
11 on behalf of all other similarly situated,

12 Plaintiff,

13 v.

14 THE PROCTOR & GAMBLE CO., an Ohio  
15 corporation doing business as CREST,

16 Defendants.  
\_\_\_\_\_ /

No. 12-557 EDL

**ORDER RE: JOINT LETTER DATED  
AUGUST 22, 2012**


17 On April 10, 2012, the Court entered a stipulation and order staying this case until resolution  
18 by the Judicial Panel on Multidistrict Litigation of a motion to transfer this case and two others to  
19 the Southern District of Ohio where a fourth case was pending. In a letter dated August 22, 2012,  
20 the parties informed the Court that the JPML denied the motion to transfer on June 11, 2012, leaving  
21 the four cases to be heard in their original districts. Thus, the stay that the Court imposed in this  
22 case on April 10, 2012 is lifted.

23 In their joint letter dated August 22, 2012, the parties address the disposition of Defendant's  
24 Motion to Dismiss, which was filed on March 29, 2012. Both sides appear to seek resolution of  
25 Defendant's Motion without any further briefing. The parties attached the District of New Jersey's  
26 decision on a motion to dismiss in a similar case for the Court's consideration: Rossi v. The Proctor  
27 & Gamble Co., Case No. 2:11-cv-7238 (JLL). Accordingly, the Court will take Defendant's Motion  
28 under submission. The Court will inform the parties if it requires a hearing on the Motion. If  
applicable upon resolution of Defendant's Motion to Dismiss, the Court will set a case management

conference.

IT IS SO ORDERED.

Dated: August 28, 2012

  
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ELIZABETH D. LAPORTE  
United States Magistrate Judge